

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Feb 12, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Modification No. 17 to Supplemental Development Agreement TIF5 Series 2010-A.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 17 to Supplemental Development Agreement TIF5 Series 2010-A between the City of Huntsville and LW Redstone Company, LLC.

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: _____

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:  _____

Date: 2-3-15

RESOLUTION NO. 15-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into a Modification No. 17 to Supplemental Development Agreement by and between the City of Huntsville and LW Redstone Company, LLC, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Modification No. 17 to Supplemental Development Agreement TIF5 Series 2010-A between the City of Huntsville and LW Redstone Company, LLC," consisting of three (3) pages and the date of February 12, 2015, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 12th day of February, 2015.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 12th day of February, 2015.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)

COUNTY OF MADISON)

**MODIFICATION NO. 17 TO THE
SUPPLEMENTAL DEVELOPMENT AGREEMENT
TIF5 – SERIES 2010-A TO ANNEXATION AND
DEVELOPMENT AGREEMENT BETWEEN THE
CITY OF HUNTSVILLE AND LW REDSTONE
COMPANY, LLC AS ADOPTED AND APPROVED
BY RESOLUTION NO. 10-581 ON JULY 22,
2010 AND AS PREVIOUSLY AMENDED BY
MODIFICATIONS NO. 1,2,3,4, 5, 6, 7, 8, 9,
10, 11, 12, 13 14, 15, & 16**

MODIFICATION No. 17

Pursuant to Section 7.3 of the Annexation and Development Agreement dated March 25, 2010, ("Agreement"), between THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation organized and existing pursuant to the laws of the State of Alabama ("City") and L W REDSTONE COMPANY, LLC, a Delaware limited liability company ("Owner"), City and Owner enter into this Modification No. 17 to the Supplemental Development Agreement TIF5-Series 2010-A which was previously adopted and approved by Resolution No. 10-581 on July 22, 2010, amended by Resolution No. 10-891 on October 28, 2010, Resolution No. 12-647 on July 26, 2012, Resolution No. 12-1012 on November 15, 2012, Resolution No. 13-23 on January 10, 2013, Resolution No.13-125 on February 14, 2013, Resolution No. 13-177 on February 28, 2013, Resolution No. 13-198 on March 14, 2013, Resolution No. 13-366 on May 9, 2013, Resolution No. 13-497 on June 27, 2013, and Resolution No. 14-62 on January 23, 2014, Resolution No. 14-109 on February 13, 2014, Resolution No. 14-205 on March 13, 2014, Resolution No. 14-263 on April 10, 2014, Resolution No. 14-432 on June 12, 2014, and Resolution No. 14-588 on August 14, 2014 hereby provide more specifically for the obligations of City and Owner.

Modifications to Scope of Work and allocations within the \$10,000,000 Maximum Amount of the prior Supplemental Development Agreement referenced above are as follows:

1. **Within Section B. Owner Improvements**, add the following: "The contract with LBYD, Inc. for Engineering Design Services for Rideout Road-ALDOT improvements, Project 65-14-SP32, as approved by City of Huntsville Resolution 14-427 on June 12, 2014 was previously budgeted and funded in the total amount of \$ 61,080.00. Change Order No. 1, in the amount of \$19,400.00 will result in a revised total budget and contract amount of \$80,480.00. This contract change order is needed to incorporate design work for an additional 500 feet of roadway improvements to SR 255 (Rideout Road) and to revise the contract completion date. Therefore, in order to cover the costs of this Change

President of the City Council of the
City of Huntsville, Alabama
Date:_____

Order No. 1, the amount budgeted and funded for this work is increased in the amount of \$19,400.00. The appropriate adjustment will be made to decrease the amount allocated and budgeted for Engineering and Construction Costs to be Determined in paragraph 2 below."

2. Within Section B. Owner Improvement, the subsection entitled "ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED", the amount of \$ 88,214.38 allocated and budgeted for undefined engineering and construction costs is hereby decreased by the amount of \$ 19,400.00 for a revised total of \$ 68,814.38.

All other terms and conditions of the SDA TIF5-SERIES 2010-A remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement.

(**"OWNER"**)

L W REDSTONE COMPANY, LLC

Dated: _____, 2015

By: _____

Its: _____

STATE OF MARYLAND)
COUNTY OF HOWARD)

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that _____, as _____, of LW Redstone Company, LLC, a Delaware corporation, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, (s)he, as such officer and with full authority, executed the same for and as the act of said corporation on the date the same bears date.

GIVEN under my hand and official seal this the ____ day of _____, 2015.

(SEAL)

Notary Public

My Commission Expires: _____

("CITY")
THE CITY OF HUNTSVILLE, ALABAMA,
A municipal corporation

Dated: February 12, 2015

By: _____
Tommy Battle
Its: Mayor

ATTEST:

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Charles E. Hagood, as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, a municipal corporation, are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the date the same bears date.

GIVEN under my hand and official seal this the 12th day of February, 2015.

(SEAL)

Notary Public
My Commission Expires: _____

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Legal

Council Meeting Date: 2/12/2015

Department Contact: Peter Joffrion

Phone # 427-5026

Contract or Agreement: Mod. 17 to SDA TIF5 Series 2010-A

Document Name: Mod. 17 to SDA TIF5 Series 2010-A with LW Redstone

City Obligation Amount:

Total Project Budget: 68,814.38

Uncommitted Account Balance:

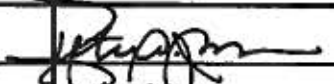


Account Number:

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name: <input type="text"/>
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Department	Signature	Date
1) Originating		<u>2-2-15</u>
2) Legal		<u>2-3-15</u>
3) Finance		
4) Originating		<u>2-3-15</u>
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		